

Legislative Fiscal Bureau

Fiscal Note

SF 2286 - Sexually Violent Predators Commitment (LSB 5189 SV.1)
Analyst: Beth Lenstra (Phone: (515) 281-6301) (beth.lenstra@legis.state.ia.us)
Fiscal Note Version – As Passed by the Senate
Requested by Representative Charles Larson, Jr.

Description

Senate File 2286 as passed by the Senate amends Chapter 229A, Code of Iowa. The Bill provides definitions, clarifies existing law for annual review and final hearings for civilly committed sexually violent predators, and establishes a transitional release program administered by the Department of Human Services (DHS). The Bill permits the DHS to contract with other government or private agencies, including the Department of Corrections (DOC), to implement and administer the transitional release program. Senate File 2286 as passed by the Senate clarifies existing law in relation to supervised release and provides for transport orders. The Bill provides procedures to be followed in an event that the sexually violent predator commits a criminal offense. A person who has been civilly committed under Chapter 229A, Code of Iowa, and received treatment, and is subsequently convicted of a sexually predatory or sexually violent offense is sentenced to life in prison. However, if the offense for which the offender was convicted is a misdemeanor offense, the offender is eligible for parole from the life sentence.

Assumptions

1. There are currently 10 safekeepers and 27 civilly committed sexually violent predators housed at the Iowa Medical Classification Center at Oakdale.
2. The Civil Commitment Unit of the Office of the State Public Defender provides defense attorneys for the majority of these commitment cases.
3. The Bill simplifies the initial probable cause hearing, and streamlines the annual review process. The Office of the Attorney General received \$300,000 as an appropriation from the General Fund for FY 2001 for commitment proceedings of sexually violent predators. However, the Office spent approximately \$448,000.
4. The DHS will incur additional costs associated with establishing and administering the transitional release program.
5. The marginal cost per day for State prisons is \$16 per inmate.
6. The average daily cost for intensive supervision by Community-Based Corrections is \$9.49. The average cost per day for electronic monitoring is \$6.32. Combining these two supervision strategies results in an average daily cost of \$15.81 per day.
7. There is no impact on the Judicial Branch.

Correctional Impact

There is no correctional impact for the life sentence imposed by SF 2286 as passed by the Senate. There are few people who are currently civilly committed. It is unlikely that a significant number of them will transition into the community over the next five years.

Fiscal Impact

The DHS has requested \$118,400 and 1.0 FTE position for a community residential placement program in FY 2003. This figure includes \$56,600 for one Social Worker 4, \$64,600 for contractual services such as treatment and supervision, and \$200 for travel.

The changes relating to the probable cause hearing and annual review process may result in cost containment of \$32,000 for the Office of the Attorney General.

There is no fiscal impact to the Office of the State Public Defender.

The fiscal impact to the DOC is not anticipated to be significant.

The fiscal impact to counties for operating jails is not anticipated to be significant.

Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division

Department of Corrections

Office of the State Public Defender

Office of the Attorney General

Office of the State Court Administrator

/s/ Dennis C Prouty

March 11, 2002

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.
